

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 18-1904(DSD/SER)

Peppino Santos Gramyko Earthman,

Plaintiff,

v.

ORDER

Brandy Nicole Bell,

Defendant.

Peppino Santos Gramyko Earthman, 3543 25th Avenue South,
Minneapolis, MN 55406, plaintiff pro se.

This matter is before the court upon the objection by pro se plaintiff Peppino Santos Gramyko Earthman to the August 17, 2018, report and recommendation of Magistrate Judge Steven E. Rau (R&R). The magistrate judge recommended that the court deny Earthman's request for in forma pauperis (IFP) status and dismiss the case without prejudice because his claim is based on the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which does not include a private right of action. Earthman then filed a notice of appeal, purportedly to the Eighth Circuit Court of Appeals, challenging the R&R. The court has construed the notice of appeal as an objection to the R&R and will proceed accordingly.¹

The court reviews the report and recommendation de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Earthman generally objects to the R&R, but does not

¹ If Earthman decides to appeal this order, he will need to file a separate notice of appeal.

provide a specific a basis for that objection other than his wish to proceed with the case. After a thorough review of the file and record, the court finds that the report and recommendation is well-reasoned and correct.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The objection [ECF No. 6] to the R&R is overruled;
2. The R&R [ECF No. 5] is adopted in its entirety;
3. The action is dismissed without prejudice; and
4. The application to proceed in forma pauperis [ECF No. 2] is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 14, 2018

s/David S. Doty
David S. Doty, Judge
United States District Court